

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALPHA CAPITAL ANSTALT,

Plaintiff,

-against-

NESS ENERGY INTERNATIONAL, INC.,

Defendant.
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ALVIN K. HELLERSTEIN, U.S.D.J.:

ORDER

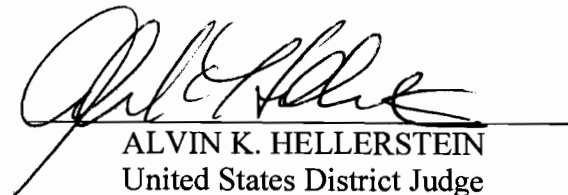
07 Civ. 9242 (AKH)

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On January 2, 2007, plaintiff submitted a draft default judgment for the Court's signature. The Court declines to sign a default judgment without proof of actual notice being waived or being delivered to defendant, either directly by plaintiff or indirectly by CSC Corporation. The motion is denied without prejudice.

SO ORDERED.

Dated: January 8, 2008
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge